

Democratic Government

As you read, look for:

- the purposes of government,
- how Louisiana’s constitution sets out a plan for organizing the government, and
- vocabulary terms **government, parish, constitution, and federalism.**

Government is an organization in a society with the authority to make, carry out, and enforce laws. In the United States, government is established by the people, and the authority to govern comes from the people. Government is established and organized to protect the individual rights of the people and to promote the common good. As a result, the U.S. government is said to be a *democracy*.

The History of Louisiana Government

Louisiana’s government has been influenced by its colonial founders—France and Spain. When Louisiana was a Spanish colony, the government established **parishes** as geographical divisions of the Catholic Church. These parishes later formed Louisiana’s governmental divisions. Louisiana is the only state to have parishes instead of counties.

The French and Spanish influence on Louisiana government can also be seen in the legal system. Louisiana *civil laws* are based on French and Spanish civil codes. These written guidelines explain how individuals deal with each other. Judicial decisions are based on these written laws.

On the other hand, the British *common law system* used decisions made in earlier, similar cases as guidelines. These earlier decisions are known as *precedents*. Common law follows precedents, and civil law uses a written code. The common law system has influenced Louisiana’s criminal laws, the laws that protect society from criminals.

The common law system of the United States came to Louisiana with the Louisiana Purchase of 1803. Laws in the United States were based on the British common law system.

Lagniappe

Louisiana is the only state that still refers to the Napoleonic Code in its state law.



Above: Louisiana’s legal system is based in part upon the Napoleonic Code, the name given to the written civil laws of France. The code was named after Napoleon Bonaparte, emperor of France in the early 1800s, who helped formulate it.



Above: A statue of George Washington stands in front of Independence Hall in Philadelphia. Washington presided over the Constitutional Convention.

Lagniappe

Because of the dominance of French in Louisiana, Congress required the state's first constitution to safeguard the rights of English-speakers.

When Louisiana became a territory of the United States, the colonists had to learn their role as citizens in a republic. The idea of self government—of the people, by the people, and for the people—was new to them. Colonial Louisiana had been run by government officials, with little input from the people.

Adjusting to this new type of government deeply affected the developing state in many ways. The colonists struggled to find their role, and the newly arriving Americans expected to have a strong voice.

Foundations of Government

Louisiana became the eighteenth state to enter the Union on April 30, 1812. Just before it became a state, the people were given the authority to write a state constitution. The **constitution** of a government explains its purpose, describes its organization, and states its powers. The United States government, the state government, and local governments have specific powers and responsibilities as described in the United States Constitution and the Louisiana constitution.

The United States Constitution

The first phrase of the Preamble to the United States Constitution is “We, the People.” These words reflect a constitution for a government formed by its citizens. The people agree on the power and purpose of the government.

The United States Constitution identifies powers given only to the United States (federal) government, powers shared by the states and the federal government, and specific state powers. For example, only the federal government can print money and make treaties with other countries. Both the federal government and the state governments can collect taxes. State governments can establish schools and conduct elections. This division of powers is called **federalism**. Article 4 of the U.S. Constitution discusses the relationship between the states and the federal government. The U.S. Constitution also guarantees citizens the right to elect people to represent them in a state government.

The Tenth Amendment of the Bill of Rights (the first ten amendments to the U.S. Constitution) states that all powers not given to the federal government or prohibited to the states belong to the states. This right is called the reserved powers doctrine.

The State Constitution

The powers of the state government come from the constitution of the United States and the citizens of the state. The constitution of each state provides the framework for its government. Louisiana's constitution establishes the power of the government to act in the interest of the people. At the same time, it includes limits to protect the rights of citizens.

The present Louisiana constitution follows the federal constitution more closely than any of the earlier state constitutions. The bill of rights—the sec-

tion that guarantees basic rights—is even stronger than the Bill of Rights in the U.S. Constitution, adding the right to individual dignity and freedom from discrimination. That protection is included because of the civil rights struggle of the 1960s. It goes on to say that laws cannot discriminate because of birth, age, sex, culture, physical conditions, or political ideas or affiliations.

Although the current constitution is more like a framework for government than the earlier state constitutions, it is still more specific than critics think it should be. The state constitution should give a broad structure for government; laws should provide the specific details.

The history of government in Louisiana includes eleven constitutions. No other state has had so many constitutions. Why do you suppose the Louisiana constitution has been rewritten so many times? Each time political power shifted, the new controlling group used the constitution to protect its ideas of government.

Constitutional protection is stronger than passing laws. Details of government were included in the constitution so they would be harder to change. Our state constitutions have not been a broad framework for government like the U.S. Constitution, but rather detailed plans imposing a very specific structure of government. Sometimes a new constitution led to more restrictions on the people and sometimes rights were broadened.

The present constitution was approved by the voters in 1974. Louisiana voters elected delegates to this constitutional convention. More than one hundred people worked for over a year to develop the 1974 Louisiana constitution.



Above: This painting of the members of the U.S. Constitutional Convention hangs in the east stairway in the House wing of the U.S. Capitol.

Lagniappe

Louisiana's 1921 constitution was amended more than 500 times in 50 years!

Check for Understanding ✓

1. What is the purpose of democratic government?
2. What are Louisiana's civil laws based on?
3. What are three functions of a constitution?
4. Name one power that is shared by the federal government and the state government.
5. Why has the Louisiana constitution been rewritten so many times?